

Notice of Allowability

Application No.

10/802,270

Examiner

Seung H. Lee

Applicant(s)

HULL, MARK D.

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1,3,5-8 and 10-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20060504.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. C. Hermanson (REG. NO. 48,244) on May 4, 2006.

The application has been amended as follows:

Claim 1 (Currently Amended): A data collection device comprising:

at least one question and answer cell attached to at least one of: (a) a beverage container and (b) a drink sleeve;

a drink implement provided to a user, said drink implement comprising at least one of a beverage container and a drink sleeve; and

a question and answer cell attached to the drink implement [wherein] said question and answer cell [includes] including a question portion bearing [a] at least one question to a user and a depressible button having an answer portion in which the user can enter a response to [a] the question by depressing the button;

wherein the drink implement is collected from the user to analyze the response after the user has entered the response to the question in the answer portion.

Claim 4. (Cancelled)

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Claim 10 (currently amended): A data collection device comprising:

a drink implement comprising at least one of a beverage container and a drink sleeve;

at least one question and answer cell attached to the drink implement; and

a container lid comprised of at least one lid question portion and at least one lid response portion, the lid response portion comprised of at least one depressible lid button corresponding to a particular response to a question presented in the lid question portion,

wherein the drink implement is collected from the user to analyze the response entered by the user using the at least one depressible lid button.

Claim 11 (Currently amended): A method, comprising the steps of:

(a) providing a data collection device to at least one user, the device comprising at least one of: (i [a]) a drink sleeve and (ii [b]) a beverage container having at least one question and answer cell attached thereto;

(b) collecting the data collection device from the at least one user after the user has completed a response to the at least one question and answer cell;
and

(c) analyzing the at least one response from the data collection device.

Allowable Subject Matter

2. Claims 1, 3, 5-8, and 10-25 are allowed.
3. The following is an examiner's statement of reasons for allowance:

Although, the best prior art of record to Wolf, Block and Olson teaches the beverage container having dimples for indicating contents of the container and the combination postcard/container insulator with writing surface, they fail to teach or fairly suggest that the data collection device comprises at least one dry ink pellet contained within the depressible button and a self mailing survey attached to at one of the beverage container and the drink sleeve and a method of collecting the data from the data collection device from the at least one user after the user has completed a response to the one question and answer cell affixed to the drink sleeve or a beverage container and analyzing the response from the data collection device, and the drink sleeve comprising the depressible button corresponding to a particular response to the question presented in the question portion as set forth in the claims.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seung H. Lee whose telephone number is (571) 272-2401. The examiner can normally be reached on Monday-Friday, 7:30 AM- 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Seung H. Lee
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May 4, 2006